

## REMARKS

- I. 35 USC § 102(b) rejections of claims 1, 2, 9-11, 18-20, and 26 by US Pat. No. 6,502,000 by Arnold, et al. (“Arnold”)

For a claim to be anticipated, Arnold must describe each element and limitation of that claim.<sup>1</sup> Further, Arnold “must also enable one of skill in the art to make and use the claimed invention.”<sup>2</sup> Below, Applicant shows below that none of Applicant’s claims are anticipated by Arnold.

Applicant’s independent claim 1 has the following element and limitations: “mapping of the commands and the options to inputs on the common interface, thereby producing mapped inputs.” Nowhere in Arnold does it disclose Applicant’s foregoing claim element and limitation. Furthermore, Arnold does not even disclose a common interface, the focus of Applicant’s claimed invention.

As disclosed in Applicant’s specification, Applicant’s mapping occurs by the user interface descriptions being “received in an xml format in the form of a xml schema file and an xml file containing the various commands and options that would be available to a user through use of the interface located on the server device.” That is, Applicant’s claimed invention is for a *common interface* on a user device that interacts with a particular device, such as a vending machine, through an abstraction layer, which is the xml schema file and the xml file from the particular device. In Applicant’s case, the xml schema file and xml file do not result in the *change of any code* during the mapping, unlike the markedly different case in Arnold. Furthermore, in Arnold, the user device’s interface is changed by the particular device, *i.e.*, a vending machine. Hence, Arnold does not even present the common interface limitation in the mapping, wherein the common interface of the user device is the primary focus of Applicant’s invention. As a result of the foregoing, Applicant’s dynamic

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<sup>1</sup> *C.R. Bard, Inc. v. M3 Systems, Inc.*, 157 F.3d 1340, 1349 (Fed. Cir. 1998); *Celeritas Techs. Ltd. v. Rockwell Intl. Corp.*, 150 F.3d 1354, 1360 (Fed. Cir. 1998).

<sup>2</sup> *Bristol-Myers Squibb Co. v. Ben Venue Laboratories, Inc.*, 246 F.3d 1368, 1374 (Fed. Cir. 2001)(quoting *In re Donohue*, 766 F.2d 531, 533 (Fed. Cir. 1985).

invention at claim 1, and by analogy at independent claims 10, 19, and 27, is not anticipated by Arnold's static disclosure because it both fails to describe Applicant's mapping element and its common user interface limitation, and does not enable one of skill in the art to make and use the Applicant's invention."<sup>3</sup> Accordingly, withdraw of the rejection under § 102(b) by Arnold is respectfully requested as a matter of law.

II. 35 USC § 102(e) rejections of claims 1-12, 14-16, and 18-27 by US Pub. App. No. 2003/015889 A1 by Hirota ("Hirota").

For a claim to be anticipated, Hirota must describe each element and limitation of that claim.<sup>4</sup> Further, Hirota "must also enable one of skill in the art to make and use the claimed invention."<sup>5</sup> Below, Applicant shows below that none of Applicant's claims are anticipated by Hirota.

Applicant's claimed invention at claim 1 includes the following claim element and limitations: "mapping of the commands and the options to inputs on the common interface." Unlike Applicant's invention at claim 1, Hirota does not disclose a user device having the claim limitation of a "common interface" for interacting with various particular devices to be controlled by the user device. This is the focus of Applicant's invention, and this is why this claim limitation also appears in the preamble. Instead, Hirota only discloses a user device having an interface can be used to control a particular device.

In addition and in the alternative, Applicant's mapping does not include Hirota's "bind layer" at all. Hirota is concerned about just mapping the "modalities" of a controlled device to another controller. As such, Hirota has to send the "bind" information from a server. In Applicant's case, there is no bind server or anything similar to it. In addition, and more importantly, given the modalities, the question is how do you make sure that GUI

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<sup>3</sup> *Bristol-Myers Squibb Co. v. Ben Venue Laboratories, Inc.*, 246 F.3d 1368, 1374 (Fed. Cir. 2001)(quoting *In re Donohue*, 766 F.2d 531, 533 (Fed. Cir. 1985).

<sup>4</sup> *C.R. Bard, Inc. v. M3 Systems, Inc.*, 157 F.3d 1340, 1349 (Fed. Cir. 1998); *Celeritas Techs. Ltd. v. Rockwell Intl. Corp.*, 150 F.3d 1354, 1360 (Fed. Cir. 1998).

<sup>5</sup> *Bristol-Myers Squibb Co. v. Ben Venue Laboratories, Inc.*, 246 F.3d 1368, 1374 (Fed. Cir. 2001)(quoting *In re Donohue*, 766 F.2d 531, 533 (Fed. Cir. 1985).

actions can be done in a consistent fashion. In Applicant's case, this is done by keeping a predefined set of xml definitions for each application, i.e., the xml schema and xml file from the controlled device, such that two applications may have the same function, i.e., volume control, but two different types. For example, a knob to control volume (in graduation of 10 levels) on one and a slider on another (with a continuous scale), the controlling device can provide the same kind of controllers such that a user who is used to using a slider in one application ends up having the same look/feel/use of a slider or a knob in another application. That is, a common interface on the user interface to control the particular device under control. In Hirota's case, if the controlling device only contains a knob function then the controlled device will end up having a knob on the controller side too. In short, and unlike Hirota, Applicant's claimed invention provides a consistent "user experience" and not just mapping a limited set of controllers to many. As Applicant's mapping is markedly different from Hirota's, as Applicant has described immediately above and at Section II of the Remarks, then Hirota fails to anticipate Applicant's claim 1 as a matter of law since, for one, neither Hirota's bind layer is present nor is anything similar to it.

As a result of the foregoing, Applicant's invention at claim 1, and by analogy at independent claims 10, 19, and 27, is not anticipated by Hirota's disclosure because it both fails to describe Applicant's mapping element and its common user interface limitation, and does not enable one of skill in the art to make and use the Applicant's invention."<sup>6</sup> Accordingly, withdrawal of the rejection under § 102(b) by Hirota is respectfully requested as a matter of law.

- III. 35 USC § 103(a) rejections of claim 17 by US Pub. App. No. 2003/015889 A1 by Hirota ("Hirota") and claim 13 over Hirota in view of US Pat. No. 6,763,399 B2 by Margalit, et al. ("Margalit").

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<sup>6</sup> *Bristol-Myers Squibb Co. v. Ben Venue Laboratories, Inc.*, 246 F.3d 1368, 1374 (Fed. Cir. 2001)(quoting *In re Donohue*, 766 F.2d 531, 533 (Fed. Cir. 1985).

As shown in the foregoing remarks under Sections I and II, *supra*, since Applicant's independent claim 1 is not anticipated by either Arnold or Hirota, and since the same foregoing remarks equally apply by analogy to Applicant's other independent claims 10, 19 and 27, then any and all claims depending therefrom are also not anticipated.<sup>7</sup> Accordingly, and as a matter of law, Applicant respectfully requests that all § 103(a) rejections based on Hirota and Margalit be withdrawn as to claims 13 and 17.

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<sup>7</sup> *In re Fine*, 837 F.2d 1071, 1076 (Fed. Cir. 1988)(if independent claim is allowable, then so are the dependent claims).

## **CONCLUSION**

Based on the foregoing, Applicant respectfully submits that the application is in condition for allowance. Applicant invites the Office to freely reach Applicant's attorney using the contact information found in his signature block below.

Respectfully submitted,

Date: May 29, 2007

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